



Economic Impact Analysis Virginia Department of Planning and Budget

18 VAC 90-40 – Regulations Governing Prescriptive Authority for Nurse Practitioners
Department of Health Professions
September 11, 2007

Summary of the Proposed Amendments to Regulation

The Boards of Nursing and Medicine (Boards) propose to amend their Regulations Governing Prescriptive Authority for Nurse Practitioners to clarify supervision requirements for certified nurse midwives and nurse practitioners who are “employed by or under contract with local health departments, federally funded comprehensive primary care clinics or non-profit health care clinics”.

Result of Analysis

The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact

Currently, requirements for supervision of certified nurse midwives and nurse practitioners who are “employed by or under contract with local health departments, federally funded comprehensive primary care clinics or non-profit health care clinics” are listed as an exception to the general provision of this regulation which prohibits the establishment of separate practice settings for nurse practitioners and their supervising physicians. The Boards propose to amend these regulations so that requirements (for the individuals covered by the current exception) are moved to a separate section. The Boards also propose to amend the language of these, now separate requirements, to clarify that only nurse practitioners and certified nurse midwives who work for the listed, mostly public, entities may work in a setting that is separate from that of their supervising physicians.

None of the changes that the Boards are proposing represent a change in current practice. The current language of these regulations seems to be clear in prohibiting private nurse

practitioners from practicing in a separate setting from their supervising physicians. The Boards are seeking to further separate and clarify this rule, however, because they have had inquiries from entities who believed such practice was allowed. Because these amendments do not represent a change in current practice, regulated individuals will likely not incur any costs on account of this regulatory action. To the extent that current rules seemed opaque to any interested party, these amendments should provide the benefit of clarity.

Businesses and Entities Affected

The Department of Health Professions (DHP) reports that 2,973 nurse practitioners in the Commonwealth currently have prescriptive authority. DHP does not know the exact number of nurse practitioners who work in the public settings listed in the regulations, but reports that their numbers are likely a small fraction of the 2,973.

Localities Particularly Affected

No locality will be particularly affected by this proposed regulatory action.

Projected Impact on Employment

This regulatory action will likely have no impact on employment in the Commonwealth.

Effects on the Use and Value of Private Property

This regulatory action will likely have no affect on the use or value of private property in the Commonwealth.

Small Businesses: Costs and Other Effects

Small businesses in the Commonwealth are unlikely to incur any costs on account of this regulatory action.

Small Businesses: Alternative Method that Minimizes Adverse Impact

Small businesses in the Commonwealth are unlikely to incur any costs on account of this regulatory action.

Real Estate Development Costs

This regulatory action will likely have no affect on real estate development costs in the Commonwealth.

Legal Mandate

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 2.2-4007.H of the Administrative Process Act and Executive Order Number 36 (06). Section 2.2-4007.H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. Further, if the proposed regulation has adverse effect on small businesses, Section 2.2-4007.H requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.